

JUN. 26. 2002 9:31AM

MGS&S 919 854-1401

NO. 9490 P. 4

Hawkins

7/3/02

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 2834**

Attorney's Docket No. 9134-32CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Dhuler

Group Art Unit: 2834

Serial No.: 09/891,700

Examiner: D. Le

Filed: June 26, 2001

Confirmation No.: 2751

For: **MICROELECTROMECHANICAL DEVICE HAVING SINGLE
CRYSTALLINE COMPONENTS AND METALLIC COMPONENTS**

June 26, 2002

Box AF
Commissioner for Patents
Washington, DC 20231

RESPONSE AFTER FINAL

Sir:

This communication is responsive to the Advisory Action mailed June 11, 2002. Applicant is further submitting concurrently herewith and attached hereto a copy of an assignment filed in connection with United States Patent No. 6,137,206 to Hill ("the '206 patent"). This assignment is the initial transfer from the inventor of the '206 patent to MCNC. Applicant mistakenly believed that this information was available to the Examiner and failed to note the initial assignment in the '206 patent in the Response filed June 4, 2002. Thus, as is clear from the documents submitted herewith and with the Response filed June 4, 2002, both the invention claimed in the present application and that claimed in the '206 patent were commonly owned by MCNC at the time the inventions were made and now rest in JDS Uniphase ("JDSU"). Accordingly, the '206 patent cannot be applied as a 102(e)/103 reference against the present application. *See* M.P.E.P. ¶706.02(l)(2). Therefore, the present rejections should be withdrawn.

Conclusion

For the reasons discussed above, Applicant respectfully submits that the present case is in form for allowance. Accordingly, Applicant requests allowance of the pending claims and passing of this application to issuance.

JUN. 26. 2002 9:30AM

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NO. 9490 P. 1

In re: Dhuler
Serial No. 09/891,700
Filed: June 26, 2001
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Respectfully submitted,


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NPH

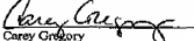
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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being sent by facsimile transmission to the United States Patent and Trademark Office, Group Art Unit 2834 at (703) 872-9319 on June 26, 2002.


Carey Gregory
Date of Signature: June 26, 2002
252957

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